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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,978	11/25/2003	Alexander Bekker	PREDYN-44675	9035
26252	7590	12/27/2005		
KELLY LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367			EXAMINER GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,978	Applicant(s) BEKKER, ALEXANDER	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 24-27, 38-41 and 59-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 28-37 and 42-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of species II. (figures 15-17) in the reply filed on July 15, 2005 is acknowledged.

Claims 24-27,38-41, and 59-86 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 15, 2005.

Claim Rejections - 35 USC § 112

Claims 11,17-21,23,49, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 3, and claim 49, line 3, the term "soft" makes the claim indefinite since it is not clear what is meant by this term. In claim 17, line 2, it is not clear whether the supply of identification tags includes the identification tag defined in claim 1. In claim 20, line 2, there is no antecedent basis for "the identification tags" (plural). In claim 23, it is not clear whether the group of tags is the same the group of tags defined in claim 22. In claim 53, last line, there is no antecedent basis for "said associated strap".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-7,11,12,16,28-32,35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Krug (U.S. Patent No. 4,226,036).

Krug shows in figures 1-3 an identification tag (28) having indicia printed thereon, an elongated flexible strap (30), the tag being larger in size than the strap, the strap including a slot (46) for receiving the strap. The information printed on the strap can be read by a human as well as by a machine, see column 3, lines 19-25. In regard to claims 6 and 32, Krug discloses the idea of making the information in the form of a bar code, see column 3, lines 19-25. In regard to claims 7 and 31, the indicia (words) are considered to be readable by both humans and machines. In regard to claim 11, Krug discloses the idea of making the tag from a relatively stiff and planar material (see column 3, lines 12-17) and the idea of making the strap (30) from a “soft” and compliant material (see column 3, lines 25-30). In regard to claims 12 and 35, the tag (28) has a slot (46) therein. In regard to claims 16 and 37, Krug shows in figure 3 that a substantial portion of the tag extends laterally from the strap.

Claims 1-5,7,11-14,16,28-31, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Nichols (U.S. Patent No. 2,054,227).

Nichols shows in figures 1-3 an identification tag (1) having indicia printed thereon, an elongated flexible strap (3), the tag being larger in size than the strap, the strap including slots (2,2) for receiving the strap. The information printed on the strap can be read by a human as well as by a machine. In regard to claim 11 the tag is considered to be made from a relatively stiff and generally planar structure and the strap from a soft and compliant structure since it can be formed into a loop. In regard to claims 12-14 and 35-36, Nichols shows a pair of slots (2)

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within the tag. In regard to claims 16 and 37, Nichols shows that a substantial portion of the surface area of the tag extends laterally from the strap.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10,17-19,22,23,33,34,42-50, and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Mosher, Jr. (U.S. Patent No. 5,973,600).

In regard to claims 8,9,33,34, and 47, Krug does not disclose attaching a radio frequency identification circuit to the tag. Mosher, Jr. shows in figure 6 the idea of placing an RFID device (60) on an article. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Krug by attaching an RFID device to the tag since this would allow additional information to be stored on the tag. In regard to claims 10 and 48, Krug does not disclose making the tag from a multiple ply construction. Mosher, Jr. shows in figure 5 the idea of making a strap from multiple plies. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Krug by making the tag from multiple plies since this would create a more durable tag. In regard to claim 17-19,55, and 56, Mosher, Jr. shows in figures 14 and 15 a plurality of members attached together. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Krug by attaching a plurality of tags together since this would allow the tags to be manufactured in an easier and

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faster manner. In regard to claim 19 and 56, when the tags are unrolled they are considered to be in sheet form. In regard to claims 22,23,42-45,49,50,52-58, Mosher, Jr. discloses the idea of providing a plurality of straps. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Krug by providing a plurality of straps since this would allow the straps to be used on a plurality of people. When a plurality of straps are provided there would inherently have to be a plurality of tags provided as well. In regard to claim 49, Krug discloses the idea of making the tag from a relatively stiff and planar material (see column 3, lines 12-17) and the idea of making the strap (30) from a “soft” and compliant material (see column 3, lines 25-30). In regard to claim 54, the tags inherently include a color so they are broadly considered “color coded”. In regard to claim 58, one of the tags of the group is considered “large” and another of the tags of the group is considered “small”.

Claims 6,8-10,17-19,22,23,32,33,34, and 42-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Mosher, Jr.

In regard to claim 6 and 32, Mosher shows in figure 1 the idea of placing a bar code on an article. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Nichols by placing a bar code on the tag since this would allow machine readable information to be placed on the tag in a more convenient manner. In regard to claims 8,9,33, and 34, Mosher, Jr. shows in figure 6 the idea of placing an RFID device (60) on an article. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Nichols by attaching an RFID device to the tag since this would allow additional information to be stored on the tag. In regard to claim 10, Mosher, Jr. shows in figure 5 the idea of making

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a strap from multiple plies. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Nichols by making the tag from multiple plies since this would create a more durable tag. In regard to claim 17-19, Mosher, Jr. shows in figures 14 and 15 a plurality of members attached together. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Nichols by attaching a plurality of tags together since this would allow the tags to be manufactured in an easier and faster manner. In regard to claims 22,23,42-45,49,50,52-58, Mosher, Jr. discloses the idea of providing a plurality of straps. In view of the teachings of Mosher, Jr. it would have been obvious to one in the art to modify Nichols by providing a plurality of straps since this would allow the straps to be used on a plurality of bales. When a plurality of straps are provided there would inherently have to be a plurality of tags provided as well.

Claims 8-10,33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Kotik et al. (U.S. Pub. No. 2005/0091896) or Garross et al (U.S. Pub. No. 2002/0190520).

Krug does not disclose attaching a radio frequency identification circuit to the tag. Kotik et al. shows in figure 1 the idea of placing an RFID device (16) on an article. Garross et al. discloses in paragraphs [0004] and [0040] the idea of attaching an RFID device to a tag. In view of the teachings of Kotik et al. or Garross et al. it would have been obvious to one in the art to modify Krug by attaching an RFID device to the tag since this would allow additional information to be stored on the tag. In regard to claim 10, the examiner takes official notice that multiple ply tags are conventional in the art and it would have been obvious to one in the

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art to make the tags from multiple layers/plies since this would create a stronger and more durable tag.

Claims 17-19,22,23,42-46,49,50, and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Laurash et al. (U.S. Patent no. 6,836,215) or Huddleston et al. (U.S. Patent No. 5,653,472).

Krug does not disclose providing a plurality of identification tags. Laurash et al. shows in figure 4A the idea of providing a plurality of tags and straps. Huddleston et al. shows in figure 10 the idea of providing a plurality of tags and straps. In view of the teachings of Laurash et al. or Huddleston et al. it would have been obvious to one in the art to modify Krug by attaching a plurality of tags together since this would allow the tags to be manufactured in an easier and faster manner. In regard to claims 17 and 53, the examiner takes official notice that processing stations for placing identification information onto tags and straps is conventional in the art. It would have been obvious to one in the art to modify Krug by using a processing station to place indicia on the tags since this would allow the indicia to be placed on the tags in an easier and faster manner. In regard to claims 18 and 55, it is considered within one skilled in the art to provide the labels in any form as desired, i.e. roll or sheet form. In regard to claims 19 and 56, Laurash et al. and Huddleston et al. teach the use of providing the tags in sheet form. In regard to claims 22 and 42, in view of the teachings of Laurash et al. or Huddleston et al. it would have been obvious to one in the art to modify Krug by providing a plurality of tags and straps since this would allow the tags and straps to be manufactured in an easier and faster manner. In regard to claims 23 and 58, Laurash et al. and Huddleston et al.

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teach the use of multiple tags and some of the tags are considered “large” and some are considered “small”. In regard to claim 54, the tags inherently include a color so they are considered “color-coded”. Further, the idea of color coding tags is conventional in the art and it would have been obvious to one in the art to color code the tags since this would allow the tags to be identified in an easier and faster manner.

Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Laurash et al. (U.S. Patent no. 6,836,215) or Huddleston et al. (U.S. Patent No. 5,653,472) as applied to claim 42 above and further in view of Kotik et al. (U.S. Pub. No. 2005/0091896) or Garross et al (U.S. Pub. No. 2002/0190520).

Krug in view of Laurash et al. or Huddleston et al. does not disclose attaching a radio frequency identification circuit to the tag. Kotik et al. shows in figure 1 the idea of placing an RFID device (16) on an article. Garross et al. discloses in paragraphs [0004] and [0040] the idea of attaching an RFID device to a tag. In view of the teachings of Kotik et al. or Garross et al. it would have been obvious to one in the art to modify Krug by attaching an RFID device to the tag since this would allow additional information to be stored on the tag.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Knodel (U.S. Patent no. 4,179,833) or Vidolin et al. (U.S. Patent No. 6,880,364).

Krug does not disclose attaching a plurality of the tags on a strap. Knodel shows in figures 1-3 the idea of placing a plurality of tags onto a strap. Vidolin et al. shows in figures 1-5 the idea of attaching a plurality of tags onto a strap. In view of the teachings of Knodel or

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Vidolin et al. it would have been obvious to one in the art to modify Krug by attaching a plurality of tags to the strap since this would allow additional information to be displayed on the strap. In regard to claim 21, the tags inherently include a color so they are considered "color-coded". Further, the idea of color coding tags is conventional in the art and it would have been obvious to one in the art to color code the tags since this would allow the tags to be identified in an easier and faster manner.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols.

Nichols discloses the applicant's basic inventive concept except for arranging the slots on the tag so that the long dimension of the tag extends perpendicular to the long dimension of the strap. Nichols discloses making the long dimension of the tag extend parallel to the long dimension of the strap. It would have been an obvious matter of design choice to arrange the tag so the long dimension is perpendicular to the long dimension of the strap since the applicant fails to define any advantage to arranging the tag in this manner and the arrangement taught by Nichols would work equally well.

Claims 8-10,33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Kotik et al. (U.S. Pub. No. 2005/0091896) or Garross et al (U.S. Pub. No. 2002/0190520).

Nichols does not disclose attaching a radio frequency identification circuit to the tag. Kotik et al. shows in figure 1 the idea of placing an RFID device (16) on an article. Garross et al. discloses in paragraphs [0004] and [0040] the idea of attaching an RFID device to a tag. In

view of the teachings of Kotik et al. or Garross et al. it would have been obvious to one in the art to modify Nichols by attaching an RFID device to the tag since this would allow additional information to be stored on the tag.

Claims 17-19,22,23,42-46,49, and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Laurash et al. (U.S. Patent no. 6,836,215) or Huddleston et al. (U.S. Patent No. 5,653,472).

Nichols does not disclose providing a plurality of identification tags. Laurash et al. shows in figure 4A the idea of providing a plurality of tags and straps. Huddleston et al. shows in figure 10 the idea of providing a plurality of tags and straps. In view of the teachings of Laurash et al. or Huddleston et al. it would have been obvious to one in the art to modify Nichols by attaching a plurality of tags together since this would allow the tags to be manufactured in an easier and faster manner. In regard to claims 17 and 53, the examiner takes official notice that processing stations for placing identification information onto tags and straps is conventional in the art. It would have been obvious to one in the art to modify Nichols by using a processing station to place indicia on the tags since this would allow the indicia to be placed on the tags in an easier and faster manner. In regard to claims 18 and 55, it is considered within one skilled in the art to provide the labels in any form as desired, i.e. roll or sheet form. In regard to claims 19 and 56, Laurash et al. and Huddleston et al. teach the use of providing the tags in sheet form. In regard to claims 22 and 42, in view of the teachings of Laurash et al. or Huddleston et al. it would have been obvious to one in the art to modify Nichols by providing a plurality of tags and straps since this would allow the tags and straps to

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be manufactured in an easier and faster manner. In regard to claims 23 and 58, Laurash et al. and Huddleston et al. teach the use of multiple tags and some of the tags are considered “large” and some are considered “small”. In regard to claim 54, the tags inherently include a color so they are considered “color-coded”. Further, the idea of color coding tags is conventional in the art and it would have been obvious to one in the art to color code the tags since this would allow the tags to be identified in an easier and faster manner.

Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Laurash et al. (U.S. Patent no. 6,836,215) or Huddleston et al. (U.S. Patent No. 5,653,472) as applied to claim 42 above and further in view of Kotik et al. (U.S. Pub. No. 2005/0091896) or Garross et al (U.S. Pub. No. 2002/0190520).

Nichols in view of Laurash et al. or Huddleston et al. does not disclose attaching a radio frequency identification circuit to the tag. Kotik et al. shows in figure 1 the idea of placing an RFID device (16) on an article. Garross et al. discloses in paragraphs [0004] and [0040] the idea of attaching an RFID device to a tag. In view of the teachings of Kotik et al. or Garross et al. it would have been obvious to one in the art to modify Nichols by attaching an RFID device to the tag since this would allow additional information to be stored on the tag.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Knodel (U.S. Patent no. 4,179,833) or Vidolin et al. (U.S. Patent No. 6,880,364).

Nichols does not disclose attaching a plurality of the tags on a strap. Knodel shows in figures 1-3 the idea of placing a plurality of tags onto a strap. Vidolin et al. shows in figures

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1-5 the idea of attaching a plurality of tags onto a strap. In view of the teachings of Knodel or Vidolin et al. it would have been obvious to one in the art to modify Nichols by attaching a plurality of tags to the strap since this would allow additional information to be displayed on the strap. In regard to claim 21, the tags inherently include a color so they are considered "color-coded". Further, the idea of color coding tags is conventional in the art and it would have been obvious to one in the art to color code the tags since this would allow the tags to be identified in an easier and faster manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
Dec. 21, 2005


BRIAN K. GREEN
PRIMARY EXAMINER